

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

STATE OF LOUISIANA	*	No. 3:23-cv-00302-BAJ-SDJ
	*	
VERSUS	*	JUDGE: BRIAN A. JACKSON
	*	
SANOFI-AVENTIS U.S. LLC <i>et al.</i>	*	MAG. JUDGE: SCOTT D. JOHNSON
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**DECLARATION OF PATRICK A. HARVEY
IN SUPPORT OF EXPRESS SCRIPTS ADMINISTRATORS, LLC’S OPPOSITION TO
STATE OF LOUISIANA’S MOTION TO REMAND**

I, Patrick A. Harvey, hereby declare as follows:

1. I am an attorney with the law firm Morgan, Lewis & Bockius LLP. My office is located at 1111 Pennsylvania Avenue, NW, Washington, DC 20004.

2. I have been admitted *pro hac vice* to practice before the United States District Court for the Middle District of Louisiana and serve as counsel of record for Defendant Express Scripts Administrators, LLC (“Express Scripts”) in this action.

3. I submit this declaration in support of Express Scripts’ Opposition to the State of Louisiana’s Motion to Remand, filed concurrently with this declaration.

4. The Request for Proposal for Express Scripts’ TRICARE contract (attached as Exhibit B to Express Scripts’ notice of removal), and the amendments thereto, are each available publicly online. Attached as **Exhibit A** is a true and correct copy of Amendment 6 to the Request for Proposal for Express Scripts’ TRICARE contract, which is publicly available online at <https://sam.gov/opp/1c58fb14c4b412933f2e9587f8b99eed/view>.

5. Section L.2.2 of Amendment 6 contains the following definition for “Offeror”:

L.2.2. For the purpose of these provisions, the term “Offeror” means the offeror, its subsidiaries, affiliates, partners, marketing

consultants, as defined by FAR, Subpart 9.501, or any of its successors or assignees.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 23, 2023

/s/ Patrick A. Harvey
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